REMARKS

In the January 11, 2006 Office Action, the Examiner noted that claims 1-28 were pending in the application and rejected claims 1-28 under 35 U.S.C. § 102(e). In rejecting the claims, U.S. Patent 6,971,101 to Clayton et al. (Reference A) was cited. Claims 1-28 remain in the case. The rejections are traversed below.

In rejecting claims 1, 11 and 20, column 7, lines 4-14 of Clayton et al. was cited as disclosing "user configurable metering" (e.g., claim 1, lines 3-4) by asserting that "priority level ... assigned in accordance with requests" (Office Action, page 3, line 3) is equivalent to user configurable metering. It is submitted that the interpretation of the term "user configurable metering" in the manner used to find anticipation by Clayton et al. is unsupported by the conventional meaning of the word "metering" or the way that these words are used in the application. As used in the application, the term "user configurable metering" clearly refers to user controlled execution of requests, in the case of one example, "by specifying a first number of read requests to be performed for a second number of write requests, as long as there are both read and write requests that are queued" (paragraph [0010] which has punctuation correct herein). This is consistent with the definition of "metering" as "to supply ... in a measured or regulated amount" (Webster's Third New International Dictionary, Unabridged), such as a "metering orifice ... [which] serves basically to control or to meter the rate of fluid flow" (McGraw-Hill Encyclopedia of Science & Technology, 7th Edition). As recited in the claims, instead of fluid, "execution of the resource acquisition requests" (e.g., claim 1, line 3) is controlled in a user configurable manner.

In comparison, Clayton et al. discloses assignment of priority based on "an importance factor and an urgency factor" (column 7, lines 11-12), where the "[i]mportance factor ... is administratively assigned by an administrator of information appliance system 100" (column 7, lines 21-23) and the "[u]rgency factor ... is supplied by a creator of asynchronous entity 214 via asynchronous request ... to inform focus manager 206 of the relative urgency of asynchronous request 209 relative to any other entity 210 coupled to information appliance system" (column 7, lines 31-37). While the priorities of the requests are used to determine which requests execute first, the priorities of the requests themselves do not constitute "user configurable metering" as recited in the independent claims. That would require the ability of a user to configure how the "focus manager 206" determines the number of requests of a given priority should be executed. No suggestion that the focus manager taught by Clayton et al. can be user configured has been found. Since all of the independent claims include the limitation "user configurable metering", it

is submitted that claims 1-28 patentably distinguish over Clayton et al. for at least the reasons discussed above.

In rejecting claims 2, 12 and 21, it was asserted that column 8, line 64 discloses "sorting" (e.g., claim 2, line 1) and that "Importance Factor is a type and ... urgency factor is a type" (Office Action, page 3, lines 10-11), where claims 2, 12 and 21 recite "different request types" (e.g., claim 2, lines 2-3) . It is submitted that this interpretation of the importance and urgency factors taught by Clayton et al. is unsupported by what is disclosed in Clayton et al. In Clayton et al. the importance and urgency factors are **characteristics** of requests, where "an administrator of [the] information appliance system can control the maximum priority level 252, 254, 256 assigned to **a particular type** or individual asynchronous **request** 209 regardless of the urgency factor assigned to asynchronous request 209 by its creator" (column 7, lines 47-52). It is clear from this statement that both the importance and urgency factors are distinct from the type of request. Furthermore, no suggestion has been found that the requests are sorted by type, only that the requests are grouped by priority level. The word "sort" that appears on line 64 of column 8 is a noun used synonymous with the word "type," not as a verb. For the above reasons, it is submitted that claims 2, 12 and 21 further patentably distinguish over Clayton et al.

In rejecting claims 3, 13 and 22, column 7, lines 21-28 of Clayton et al. was cited as disclosing "configuring metering of the resource acquisition requests in response to input from an administrator of the system." However, the cited portion of Clayton et al. describes how the "importance factor can be a multiplier based on the relative importance of a particular type or individual asynchronous entity" (column 7, lines 26-28) and as noted above the importance factor is one of two factors that determine priority, not how resource requests that have that priority are executed. The difference may be subtle, but it is significant. Clayton et al. merely teaches one of many ways in which users can determine the priority of tasks, i.e., resource requests. The claims recite that users are able to configure, i.e., control how tasks of any priority are executed. In other words, Clayton et al. relates to determining how the priority of individual requests are determined, while the invention relates to user control over how all requests are executed **after** the priorities have been determined. For the above reasons, it is submitted that claims 3, 13 and 22 further patentably distinguish over Clayton et al.

In rejecting claims 4, 14 and 23, column 6, lines 17-20 of Clayton et al. was cited as disclosing "as long as the resource acquisition requests are queued in both the first and second queues" (e.g., claim 4, last 2 lines). The cited portion of Clayton et al. states "both first and second selectable entities 216, 218 are utilizing a mutually exclusive set of plurality of user

interface device resources simultaneously after second selectable entity 218 is called at second time." It is submitted that there is nothing in this statement that requires "resource acquisition requests ... [be] queued" in two different queues, as recited in claims 4, 14, and 23. Therefore, it is submitted that claims 4, 14, and 23 further patentably distinguish over Clayton et al. for this additional reason.

It is submitted that the remaining claims recite additional distinctions over the prior art due to the lack of equivalence between the present invention and Clayton et al. discussed above in detail for claims 1-4, 11-14 and 20-23.

Summary

It is submitted that Clayton et al. does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-28 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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